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In re Application of	:	
LEE, et al.	:	DECISION ON PETITIONS
Application No.: 10/568,097	:	
PCT No.: PCT/US00/14449	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 25 May 2000	:	
Priority Date: 27 May 1999	:	AND 37 CFR 1.47(a)
Attorney Docket No.: 2366-002-03	:	
For: THIN MAGNETIC MEDIUM READ HEAD	:	

This decision is in response to applicant's filing of 10 February 2006 in the United States Patent and Trademark Office (USPTO). The filing includes a petition under 37 CFR 1.137(b) for revival of the present application and a petition under 37 CFR 1.47(a) to accept the application without the signature of inventor Angelina Ople.

BACKGROUND

On 25 May 2000, applicant filed international application PCT/US00/14449 which claimed priority to an earlier application filed 27 May 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 20 December 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 27 November 2001.

On 10 February 2006, applicant filed the present response including the petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a) considered herein.

DISCUSSION

I. Petition Under 37 CFR 1.137(b)

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Applicant has satisfied items (1)-(2) and (4).

Regarding item (3), applicant has provided a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. Specifically, applicant states that from the period of 27 August 2001 to 28 April 2005, the PCT application was subject to the bankruptcy Court's control. In addition, applicant has detailed the time period from 28 April 2005 until the filing of the present petitions and shown that this period was used by applicant to research and prepare materials for the present petitions. Applicant has firsthand knowledge of the time period from 28 April 2005 to the filing of the present petition. However, applicant has not provided a detailed account of the knowledge and actions of the bankruptcy trustee for the period of 27 August 2001 to 28 April 2005. If the trustee knew of the 30 month deadline for entering the National stage in the United States and did not divert funds to either timely enter the U.S. National stage or make arrangements for revival; the lack of such actions could be construed as intentional abandonment. Absent a more detailed explanation of the knowledge and actions of the trustee it is not possible to grant applicant's petition at this time.

II. Petition Under 37 CFR 1.47(a)

A decision on the petition under 37 CFR 1.47(a) will be held in abeyance pending resolution of the revival of the present application pursuant to 37 CFR 1.137(b).

CONCLUSION

For the reasons above, applicant's petitions under 37 CFR 1.137(b) is **DISMISSED**. A decision on the petition under 37 CFR 1.47(a) is being held in abeyance as discussed above.

The application remains **ABANDONED** as to the United States of America.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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